UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

OMAR MALDONADO, :

Defendant. :

- - - - - - - - - - - - - - - - x

PROPOSED VOIR DIRE
S1 08 Cr. 231 (JSR)

GOVERNMENT'S PROPOSED
EXAMINATION OF PROSPECTIVE JURORS

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- Of Counsel -

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The Government respectfully requests, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, that the Court include the following questions in its examination of prospective jurors. The Court is requested to pursue more detailed questioning at the sidebar or in the robing room if a prospective juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry as to whether the particular fact or circumstance would influence the prospective juror in favor of or against either the Government or the defendant.

A. Law Enforcement Witnesses

1. The Government witnesses in this case will consist in part of police officers and other personnel from the New York City Police Department and the Bureau of Alcohol, Tobacco and Firearms or "ATF." Would any of you be more likely to believe a witness merely because he or she is an officer of the New York

City Police Department or other law enforcement agency? Would any of you be less likely to believe a witness merely because he or she is an officer of the New York City Police Department or other law enforcement agency?

2. Does anyone have any personal feelings or experiences concerning the New York City Police Department or ATF that would in any way affect their ability to be fair and impartial in this case?

3. Have you, or any of your close friends or relatives, ever been stopped or questioned by any member of the New York City Police Department? [*As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire, at the bench or in the robing room, into the circumstances of each incident and that prospective juror's reaction to how he or she was treated by the NYPD.*]

B. Investigative Techniques

4. Does anyone have any expectations about the types of evidence that the Government should or will present in this criminal trials, or in a criminal trial more generally?

5. Would any of you be unable to follow the judge's instructions that the Government is not required to use any particular investigating technique in presenting evidence of a crime?

C. **Ability to Render a Fair and Impartial Verdict**

6. As you can tell, during the trial, you will hear evidence concerning the unlawful possession of a firearm. Does the fact that the charge involves the unlawful possession of a firearm or ammunition affect your ability to render a fair verdict?

7. Do any of you believe that it should not be a crime for a person who has been convicted of a felony to possess a firearm or ammunition?

8. Do any of you believe that the law governing this crime should not be enforced?

9. Do any of you believe that the federal government should not limit a person's right to bear arms or ammunition?

10. Has any juror been involved--as defendant, victim or any other way--in a case involving a firearm or ammunition?

11. Has any juror's relative, close friend, or associate ever been involved-as a defendant, victim, or in any other way--in a case involving a firearm or ammunition?

D. Juror's Background

12. The Government respectfully requests that the Court ask each juror to state the following information:

a. the juror's age;

b. the area in which the juror resides and any other area the juror has resided during the last ten years;

c. where the juror was born;

d. the juror's educational background, including the highest degree obtained;

e. whether the juror has served in the military;

f. the juror's occupation;

g. the name and location of the juror's employer, and the period of employment with that employer;

h. the same information concerning other employment within the last five years;

i. the same information with respect to the juror's spouse and any working children;

j. what newspapers and magazines the juror reads and how often;

k. what television programs the juror regularly watches;

l. Does the juror watch "Law and Order," "CSI," or other police dramas?

m. the juror's hobbies and leisure-time activities, and organizations; and

n. whether the juror owns or has ever owned a firearm, and whether anyone in the juror's immediate family owns or has ever owned a gun.

Dated: New York, New York
April 29, 2008

Respectfully submitted,

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